

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 1:06-cv-674
PLAINTIFF,	:	
	:	
V.	:	
	:	
ONE HUNDRED SEVENTY NINE	:	
THOUSAND THREE HUNDRED	:	
NINETY SEVEN DOLLARS (\$179,397.00)	:	
IN UNITED STATES CURRENCY, et al.,	:	
DEFENDANTS.	:	

DEFAULT JUDGMENT AND DECREE OF FORFEITURE

The United States filed a verified Complaint for Forfeiture in Rem on October 10, 2006 (Doc. 1). This is a civil action in rem brought to enforce 18 U.S.C. § 981(a)(1)(C), which provides for the forfeiture to the United States of:

Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of section 215, 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 656, 657, 842, 844, 1005, 1006, 1007, 1014, 1028, 1029, 1030, 1032, or 1344 of this title or any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

and/or 8 U.S.C. § 1324(b), which provides for the forfeiture of:

Any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of subsection (a) of this section, the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.

An Amended Warrant of Arrest in Rem issued by this Court on November 13, 2006, (Doc. 5) directed the United States Department of Homeland Security, Bureau of Customs and Border Protection to arrest the defendants. The Amended Warrant required any person or entity

claiming an interest in the defendants to file a verified claim, that is a statement of interest in or right against the defendants, with the Clerk of the Court within thirty days after receipt of actual or published notice of this action and the arrest of the defendants and to file an answer within twenty days after the filing of the claim. The Amended Warrant further required the plaintiff to publish notice of the arrest of the defendants and the forfeiture action in a newspaper of general circulation in the Southern District of Ohio.

The United States Department of Homeland Security, Bureau of Customs and Border Protection arrested the defendants, bringing the defendants within the jurisdiction of the Court on December 21, 2006 (Doc. 9).

The United States served a copy of the complaint, summons, amended warrant and interrogatories by personal service upon Jing Fei Jiang on November 17, 2006 at the Grant County Jail in Williamstown, Kentucky. The United States also served Jing Fei Jiang as the owner of Bee's Buffet by personal service on November 17, 2006. The United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement returned an executed receipt of delivery (Doc. 7).

The United States served a copy of the complaint, summons and amended warrant by certified mail service upon Jing Fei Jiang, individually, and as the owner of Bee's Buffet on December 23, 2006, through his attorney, Hal Arenstein, and an executed receipt of delivery was returned (Doc. 16).

The United States served a copy of the complaint, summons and amended warrant by certified mail service upon U.S. Bank, at its business address on December 23, 2006, and an executed receipt of delivery was returned (Doc. 16).

The summons and forfeiture notice directed any person or entity claiming an interest in the defendants to file a claim, that is a statement of interest in or right against the defendants, with the Clerk of the Court within thirty days after the earlier of receiving actual notice of execution of process against the defendants or completed publication of notice and to file an answer to the United States' complaint within twenty days after the filing of the claim.

The United States published notice of this civil forfeiture action in the Cincinnati Court Index Press, a newspaper of general circulation in the Southern District of Ohio, on January 3, 10, and 17, 2007 (Doc. 11).

On December 15, 2006, Jing Jiang, individually and as the owner of Bee's Buffet and with approval of his counsel, Hal Arenstein, singed a Consent to Forfeiture, agreeing not to contest the forfeiture of the defendants to the United States (Doc. 10).

On February 2, 2006, U.S. Bank, N.A. filed a claim and answer to the complaint (Docs. 12 and 13), asserting a secured interest in Defendant 2, a 2004 GMC Yukon, XL VIN 3GKFK16ZX4G142040 with all attachments thereon. The United States and U.S. Bank have resolved this interest by entering into a Settlement Agreement (Doc. 15).

As of February 16, 2006, which is thirty days after the last date of publication, no other person or entity has filed a claim to any of the defendants or an answer to the United States' Complaint for Forfeiture in Rem.

Plaintiff knows of no reason why a default against Jing Fei Jiang, Bee's Buffet, the defendants and all other persons and entities should not be entered now.

On March 14, 2007, the Clerk of this Court entered a default against Jing Fei Jiang, Bee's Buffet, the defendants:

1. One hundred seventy nine thousand three hundred ninety seven (\$179,397.00) in United States Currency (Defendant 1);
2. One 2004 GMC Yukon, XL VIN 3GKFK16ZX4G142040 with all attachments thereon (Defendant 2);
3. Contents of U.S. Bank Account #X-XXX-XXXX-5300, in the name of Jing Fei Jiang (Defendant 3);
4. Contents of U.S. Bank Account #X-XXX-XXXX-2690, in the name of Bee's Buffet (Defendant 4); and
5. Contents of U.S. Bank Safe Deposit Box XXX89-0, in the name of Jing Fei Jiang (Defendant 5);

and all other persons and entities who might have an interest in any of the defendants for failure to file a claim and answer pursuant to 18 U.S.C. § 983(a)(4)(A) and (B) and Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims (Doc. 19).

The United States further requests that this Court enter a Decree of Forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C) and/or 8 U.S.C. § 1324(b), confirming in the United States all right, title, and interest in the defendants and ordering the United States Department of Homeland Security, Bureau of Customs and Border Protection to dispose of the defendants in accordance with the law.

Therefore, it is hereby ORDERED that, in accordance with Fed. R. Civ. P. 55(b)(2), 18 U.S.C. § 983(a)(4)(A) and (B), and Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims a default judgment is granted to the United States against Jing Fei Jiang, Bee's Buffet, the defendants, and all other persons and entities having an interest in any of the

defendants for failure to file a claim and answer pursuant to 18 U.S.C. § 983(a)(4)(A) and (B) and Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims.

It is further ORDERED, ADJUDGED, AND DECREED that all right, title, and interest in the defendants is CONDEMNED and FORFEITED to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and/or 8 U.S.C. § 1324(b). All right, title, and interest in the defendants is vested in the United States of America and no right, title, or interest shall exist in any other person or entity. The United States Department of Homeland Security, Bureau of Customs and Border Protection shall dispose of the defendants in accordance with the law.

Date: April 17, 2007

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court